

MINUTES

REGULAR MEETING OF THE NEWTON CITY COUNCIL – SEPT. 7, 2010

The regular meeting of the Newton City Council was held on Tuesday, September 7, 2010 at 7:00 p.m. in the Council Chambers at City Hall with the following present: Mayor Robert A. Mullinax and Council Members Wayne Dellinger, Mary Bess Lawing, Tom Rowe, Bill Lutz, and Robert C. Abernethy, Jr. Mayor Pro Tem Anne Stedman was absent from the meeting.

Also in attendance were City Manager Todd Clark, City Attorney Larry Pitts, Assistant City Clerk Gary Herman, City Department Heads, and members of the Management Team.

ITEM 1. CALL TO ORDER – ROBERT A. MULLINAX:

Mayor Robert A. Mullinax called the meeting to order and welcomed everyone to the meeting.

ITEM 2. OPENING – COUNCIL MEMBER TOM ROWE:

Council Member Tom Rowe gave the invocation and led the audience in the Pledge of Allegiance.

ITEM 3. APPROVAL OF MINUTES FROM THE AUGUST 3, 2010 REGULAR CITY COUNCIL MEETING:

A motion was made by Council Member Mary Bess Lawing, seconded by Council Member Tom Rowe, and unanimously adopted to approve the minutes from the August 3, 2010 Regular City Council Meeting as submitted.

ITEM 4. CONSIDERATION OF CONSENT AGENDA ITEMS:

A motion was made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Mary Bess Lawing, and unanimously adopted to approve the Consent Agenda Items as submitted.

A. Tax Releases - July 2010

The following tax releases have been received from the Catawba County Tax Collector. The reason for each release is annotated beside the name.

Tax Year	Tax Release Number	Name	Reason	Amount of Release
2010	1	Bolick, Danny	Adjust for exemption not given in error	\$152.78
2004	2	Castillo, Sergio	Junked boat several years ago, Wildlife registration expired in 2003	\$14.28

2005	3	Castillo, Sergio	Junked boat several years ago, Wildlife registration expired in 2003	\$13.79
2006	4	Castillo, Sergio	Junked boat several years ago, Wildlife registration expired in 2003	\$14.22
2007	5	Castillo, Sergio	Junked boat several years ago, Wildlife registration expired in 2003	\$13.35
2008	6	Castillo, Sergio	Junked boat several years ago, Wildlife registration expired in 2003	\$13.62
2009	7	Castillo, Sergio	Junked boat several years ago, Wildlife registration expired in 2003	\$12.67
2007	8	Thompson, Belinda	Double listed	\$11.58
2008	9	Thompson, Belinda	Double listed	\$11.58
2009	10	Thompson, Belinda	Double Listed	\$11.48

B. Sewer Adjustments – September 2010

The following sewer adjustments are recommended for approval. The adjustments are recommended as a result of a water leak at the service address or a pool fill up.

Account Number	Name	Service Address	Adjustment Period	Amount of Adjustment
55001140-001	William Brooks	720 E 11 th St	June 2010	48.63
40000100-001	Michael Clark	214 W 27 th St	July 2010	72.31
23000880-003	Wendi Gonzalez	622 W 6 th St	June 2010	37.52

C. Report of Fire Conditions – Certificate of Eligibility

D. Consideration of Budget Ordinance for Target Community Grant

**(ORDINANCE #2010-20 IS HEREBY REFERENCED
AND ON FILE IN THE OFFICE OF THE CITY CLERK)**

ITEM 5. COMMENTS FROM THE PUBLIC: (PERSONS WANTING TO MAKE A PUBLIC COMMENT ON NON-AGENDA ITEMS ARE REQUESTED TO SIGN IN WITH THE CITY CLERK PRIOR TO THE MEETING):

Mayor Mullinax asked if there was anyone in the audience who wished to speak on a non-agenda item. Michael Willard, publisher of The Observer News Enterprise, requested a few minutes to discuss the local newspaper's "Hometown Christmas" advertising campaign. Mr. Willard invited the Council to the kickoff on September 23 from 4:00 to 7:00 p.m. at The Newton Expo. Mr. Willard explained that the second annual "Hometown Christmas" campaign encourages local residents to shop locally this coming holiday season. Mr. Willard also presented a "Hometown Christmas" button to Mayor Mullinax.

Mayor Mullinax also welcomed Brandon Eubanks and Patrick McPherson from Boy Scout Troop #238 to the meeting.

ITEM 6. NEW BUSINESS:

A. Presentation of Public Power Awards of Excellence

Mark Otersen of ElectriCities was present at the meeting to present six (6) Public Power Awards of Excellence to the City. Awards were earned in the following categories: Customer Service, Communications, Economic Development, Grassroots/Building Political Strength, Energy Efficiency, and Training. Mr. Otersen said the awards recognize Public Power communities for their efforts throughout the year. Mr. Otersen said that Newton is "truly in the top echelon," as one of 20 Public Power communities (out of 70 total) across North Carolina to win a Public Power Award of Excellence.

Mr. Otersen also complimented the City for its Newton 101 Citizens Academy, which he said has received favorable comments from other communities. Mayor Mullinax said that he and the City Council are proud of the academy's success, and that he appreciates the staff's hard work.

Mr. Otersen also mentioned that Newton has attained RP3 status (Reliable Public Power Provider) from the American Public Power Association.

Public Works & Utilities Director Wilce Martin said he is appreciative of the recognition, and noted that Electric Utilities Division Manager Doug Wesson should be commended for leading the electric division, as well as Finance Director Serina Hinson for the customer service portion.

Mayor Mullinax said that with the events of the past two to three weeks, that the Public Works and Customer Service department should be applauded. The Mayor said that it was a very appropriate time to receive the much-deserved awards.

B. Western Piedmont Regional Transit Authority (WPRTA) Annual Report

Mr. Ed Clifford, Director of the Western Piedmont Regional Transit Authority (WPRTA), said that WPRTA now has a new name, Greenway Public Transportation. Mr. Clifford said the whole fleet has been rebranded, including the vans. He said they have also implemented a Medicaid transportation brokerage program with Burke County Department of Social Services. He also said that all buses now use biodiesel fuel, and that they will be adding one hybrid bus and five hybrid vans to the fleet, using 100 percent federal ARRA funding. Mr. Clifford said Greenway has experienced significant fuel savings using biodiesel.

Mr. Clifford also stated that the new Hickory Transit Center is open, and serves as the hub of operations, including a covered area with restrooms and seating. Greenway has also initiated the bus stop improvement program to provide improved rider information and bus shelter availability. He said they have also developed a "flex route" concept to improve service performance. Mayor Mullinax asked when the flex route was implemented. Mr. Clifford said they have a total of eight (8) flex routes, and the one in Newton began August 17. Mr. Clifford said they will schedule a public hearing at Greenway's next board

meeting. Mayor Mullinax asked how citizens will know about the flex routes before the public hearing. Mr. Clifford said that “word of mouth” is currently spreading the news.

Mr. Clifford said that the new bus/van advertising program is under way, including the mobile billboard, to raise revenues. Mayor Mullinax asked who a Newton business owner should contact to participate in advertising with Greenway. Mr. Clifford said that Camille Sterling would be the point of contact. He said advertisers can reach a broad market by “wrapping” the bus with their ad, or there is also interior advertising space.

Mr. Clifford said that Greenway has implemented a fixed route service in Taylorsville, has completed a facility feasibility study, and an environmental review is in progress. He also stated that Greenway obtained \$3.6 million of ARRA funds.

He said that Greenway also launched the “One Day A Week” marketing campaign. He said the challenge is the unemployment rate, because if people are not going to work or going shopping, ridership numbers decline.

Mr. Clifford said they want to purchase property to build an 18,000 square foot maintenance facility, which would be ready for construction by 2015 if all goes according to plans. He also stated that the 8,000 square foot Warlong building will house the Greenway Administration office, with plans to be ready by 2012. He said total cost for both facilities is estimated at \$5.4 million. City Manager Clark asked about the funding sources. Mr. Clifford stated that it would be 10 percent local, 10 percent state, and 80 percent federal, but noted that Greenway needs contingency funding, so he wanted the Council to be aware that members may be asked to contribute. City Manager Clark asked how much money would be asked of Newton. Mr. Clifford said he was unsure, but it was \$70,000 per year for three years for all member agencies. City Manager Clark said he believes it would be less than \$5,000 from Newton.

Mayor Mullinax thanked Mr. Clifford for the presentation, noting that City Manager Clark is a representative on the transit authority board of directors.

C. Consideration of Assessment of Penalty for Violation of Soil Erosion, Sedimentation Control Ordinance

This item was removed from the original agenda.

D. Consideration of Property Gift – Yount Park

City Attorney Larry Pitts stated that Mr. Robert Yount had offered to donate property at the southwest corner of College Avenue and East 1st Street, commonly referred to as Yount Park, which the City has used for a number of years as a park and for parking space. Mr. Yount wished to donate the property in memory of his grandfather, Mr. Hubert Macon Yount. Mayor Mullinax stated that the City greatly appreciates this property gift.

A motion was made by Council Member Tom Rowe, seconded by Council Member Robert C. Abernethy, Jr., and unanimously adopted to approve the dedication of property from Mr. Robert Yount.

E. Consideration of an Application to FEMA for the 2010 SAFER Grant (Staffing for Adequate Fire and Emergency Response)

Fire Chief Kevin Yoder said the fire department has an opportunity to apply for a SAFER grant (Staffing for Adequate Fire and Emergency Response) from the federal government to fund six (6) additional personnel. Chief Yoder said the department has applied for the grant every year since its inception (2005), but has never received the grant. Chief

Yoder said there is \$420 million in funding available in 2010, but over 2,000 applications totaling \$1.2 billion in requested funds are expected.

Chief Yoder said the SAFER grant changed this year due to ARRA legislation. Previously the grant was a five-year grant with a local match each of the first four years with 100 percent local funding in the fifth year. This year's grant was modified to a three-year grant with no local match for the first two years, but the third year would be 100 percent local funding, estimated at \$288,213. Chief Yoder said that during the three-year grant period, no firefighter positions could be eliminated.

Chief Yoder said the Newton Fire Department does not meet NFPA (National Fire Protection Association) standards in terms of minimum personnel on the scene of a fire. Chief Yoder said the NFPA standard states that the City should have 10 people on the scene 80 percent of the time. He said that the City was in compliance 44 percent of the time in 2009, and would top 80 percent with six more personnel.

Mayor Mullinax said that Chief Yoder and the fire department do a great job. The Mayor noted that Chief Yoder was bringing the grant opportunity before the Council because of the Council's comments about matching grants.

Council Member Wayne Dellinger said it seems like a lot of money to come up with in three years, with an uncertain economy. Council Member Dellinger said that if the City would receive the grant, the City would not be able to layoff anyone if the economy worsened. Chief Yoder said there is a slim possibility that it would be allowed if the City experienced a severe financial hardship, but he wouldn't count on it.

Council Member Dellinger asked if six current part-time firefighters would be converted to full-time if the City would receive the grant, which Chief Yoder confirmed.

Mayor Mullinax asked Chief Yoder if the City doesn't apply for the grant, how it would affect the citizens, to which Chief Yoder said there would be no change. Council Member Robert C. Abernethy, Jr. asked if the additional firefighters would have a positive effect on the ISO rating. Chief Yoder said it is highly likely that additional personnel would move the City into the next ISO level. Council Member Dellinger asked who benefits if the ISO rating moves from a "4" to a "3". Chief Yoder said only commercial businesses.

Mayor Mullinax asked if it would reflect unfavorably if the City doesn't apply for the grant, to which Chief Yoder said no.

Council Member Tom Rowe asked Chief Yoder if he had considered only three personnel. Chief Yoder said the grant guidance says to apply for what the City would need to meet NFPA standards.

Mayor Mullinax reiterated that if the City would receive the grant, it would have to hire six people. City Manager Clark said that if the grant was awarded, but the City didn't accept it, the City would not be considered for the grant again.

Council Member Bill Lutz said he would like to have the additional firefighters, but he believes now is not the right time in terms of budget. Council Member Lutz said that if he had the opportunity to vote again on the approval of recent Police Department grant applications, that he would not vote in favor.

Mayor Mullinax said that Chief Yoder is doing what the Council asked staff to do – bring grant opportunities that require matching funds to the Council for approval before proceeding with the application. The Mayor said the City Council needs to give guidance.

A motion was made by Council Member Robert C. Abernethy, Jr., seconded by Council Member Bill Lutz, and unanimously adopted not to apply for the SAFER grant.

F. Report on Highway 70 Water Line Break

Public Works & Utilities Director Wilce Martin reported on the Hwy. 70 water line break that occurred at 3:08 a.m. on August 24, 2010. Mr. Martin said the 16-inch water line

was 30 feet deep. He said production was halted at the Water Treatment Plant because there was an open valve that couldn't be found and the line couldn't be repaired due to water flowing from the pipe.

Mr. Martin said that total cost for the repair was \$57,056.49, plus an additional \$2,000 to pay for repairs to a gas line; however, he said staff will discuss the \$2,000 cost with Piedmont Natural Gas, as the City and Piedmont have a working relationship.

Mayor Mullinax said that he thought the total cost would have been five times the amount presented by Mr. Martin. The Mayor asked if the cost includes the five million gallons of water that was lost, which Mr. Martin confirmed. Mayor Mullinax asked if the cost included various water leaks that occurred following the water line break, to which Mr. Martin replied no.

Mr. Martin said that staff has determined that a 16-inch valve needs to be installed into the water line in at least one location, so that if there was a problem with the line again, one valve could be turned off, without shutting others off. Mr. Martin estimated the cost of one 16-inch valve insertion to be about \$20,000. He said staff would also like to raise the water line from its 30-foot depth to about four to seven feet deep. Mr. Martin said he believes approximately 1,000 feet of the pipe needs to be replaced to avoid future problems.

Mr. Martin said the City has a valve insertion tool, but it can only work on lines up to 12 inches. City Manager Clark noted that the majority of water lines in Newton are 12 inches or smaller.

Council Member Tom Rowe asked how far the water line goes toward Hickory. Mr. Martin said to Fairgrove Church Road at Dale Jarrett Inc. and then down to St. Pauls Church Road. He also noted that Conover had three connections to the line, which had all been disconnected over the years.

Council Member Robert C. Abernethy, Jr. said his water in Newton tastes better than anywhere he goes.

Council Member Bill Lutz said that Clark Isaac commended the Public Works & Utilities staff, noting that his parking lot was repaired nicely.

Mayor Mullinax said the water line break was a momentous occasion for the City, but it was handled well by everyone involved.

G. Report on Recreation Department's Soldiers Reunion Activities

Parks & Recreation Director Sandra Waters reported on her department's recent Soldiers Reunion activities, including the 5K Run/Walk & One-Mile Fun Run, the 30-60-100 Mile Century Bike Ride, the Softball Tournament, and the Senior Citizens Dance. Mayor Mullinax said the recreation department has been making some money with these events this year.

Ms. Waters said the 5K on August 21, 2010 was the biggest race ever held in the City, with a total of 407 runners participating in the 21st annual event. She said the run showed a total profit of \$3,292.17. She noted the first Soldiers Reunion 5K was in 1989 with a total of 172 runners, including participants Glenn Pattishall (20:18), Wayne Dellinger (22:26), and Tom Rowe (25:33).

Ms. Waters said the bike ride was very successful also, attracting 255 riders, and netting \$6,725.16. The first bike ride was held in 1992 with 136 riders.

Ms. Waters said the softball tournament changed locations this year from Northside/Broyhill Park to the new Jacob Fork Park. The event was postponed until August 28 due to rain on the scheduled date. She said everyone seemed to enjoy the new park facility, as staff received the following comments: easy access to facility, fields need lights, need to work on outfields, increase parking areas, and tournament was well organized. The softball tournament netted a profit of \$1,092.00.

She also reported on the Senior Citizens Dance, which was held on August 12, with approximately 85 men and women enjoying a night of fun and fellowship. The dance netted a profit of \$90.00.

Ms. Waters stated that the 5K run and bike ride bring a lot of people into Newton, many who wouldn't have visited the City otherwise.

Council Member Robert C. Abernethy, Jr. said he noticed a lot of patrons at Dianne's Dairy Center on the day of 5K, and said the events brought business into the City.

Ms. Waters said the events are great marketing tools. She also noted that most of the bike riders were very complimentary and expressed their appreciation to the volunteers and staff. Mayor Mullinax said that the Parks & Recreation Department does a great job with these activities.

Council Member Robert C. Abernethy, Jr. stated that a lot of hard work went into these events, with a profit of over \$11,000.

ITEM 7. CITY MANAGER'S REPORT:

City Manager Todd Clark reported on the following:

- Reported that staff is busy working on a Tree City USA application, and the item will be brought to the City Council in the near future.
- Reported that the City received the Certificate of Achievement for Excellence in Financial Reporting for the 25th consecutive year for its Comprehensive Annual Financial Report (CAFR). Mayor Mullinax said it represents the hard work and dedication of staff.
- Reported that staff is preparing for Newton 101, which begins on September 16, 2010 at 6:30 p.m.

ITEM 8. QUESTIONS AND COMMENTS FROM MAYOR AND COUNCIL:

None.

ITEM 9. ADJOURNMENT:

There being no further business to discuss, a motion was made by Council Member Wayne Dellinger, seconded by Council Member Robert C. Abernethy, Jr., and unanimously approved that the September 7, 2010 meeting be adjourned.

Respectfully submitted by:

Robert A. Mullinax, Mayor

Gary L. Herman, Asst. City Clerk